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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,964	12/09/2003	Hiroshi Isozaki	246433US2RD	2198
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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER COLEMAN, ERIC	
			ART UNIT	PAPER NUMBER
			2183	

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/729,964

Applicant(s)

ISOZAKI ET AL.

Examiner

Eric Coleman

Art Unit

2183

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sistanizadeh (patent No. 6,101,182) in view of Hind (patent No. 6,826,690).

3. Sistanizadeh taught the invention substantially as claimed including a data processing ("DP") system comprising As per claims 1,8,9,10,11,13,14,15):

a) Transmission/reception system (e.g., see figs. 3,4,5,6,10,12,15);

b) at least one transmission device (server) and at least one reception device (client)(e.g., see figs. 3,4,5,6,10,12,15).

4. Sistanizadeh taught the server (and client) have authentication and key exchange processing unit configured to carry out an authentication and key exchange processing with a reception (or transmission device) respectively that made a contents transmission request (e.g., see col. 12, line 3-col. 14, line 8);

5. Sistanizadeh did not expressly detail the transmission device comprising device identification information request unit configured to transmit a device information request to the reception device such the reception device transmit a device identification information Hind however taught (e.g., see col. 13, line 7-col. 14, line 61) a transmission system there the client and the server authenticate each other to protects

against other systems communicating with either the server or client where the communications are replayed by an attacker. Therefore one of ordinary skill would have been motivated in the combined system to provide for the transmission device to send a request for the device ID to initiate authentication of the content requester.

6. It would have been obvious one of ordinary skill to combine the teachings of Hind and Sistanizadeh. Both references were directed to the problems for providing protected communications between client and server. The addition of the teaching of the mutual authentication of Hind would have provided the ability of the system to ensure the attackers did not provide unauthorized data or instructions to the server or client protecting the client and server.

7. Sistanizadeh taught the server comprising a registration unit that registered the device id transmitted from the reception device (client) (e.g. see col. 10, lines 26-60).

8. Sistanizadeh taught device identification information search unit configured to search out the device identification information corresponding to an IP (Internet protocol) address of the reception device, from the network to which the reception device is connected (e.g., col. 10, line 50-11, line 5).

9. Sistanizadeh taught a comparison judgement unit configured to judge whether the device identification information searched out by the device information search unit and the device identification registered by the device identification registered by the registration unit coincide or not (e.g., see col. 10, lines 15-39)[use of information including mac address to determine which ISP is sought].

10. Sistanizadeh taught distribution condition judgement unit configured to change a distribution condition for contents to be transmitted according to a judgment result obtained by the judgement unit (e.g., see col. 13, lines 12-26)[after authenticated the user can change the ISP for distribution of content].

11. Sistanizadeh taught contents of the reception unit comprises a transmission request unit configured to make the contents transmission request to the transmission device (e.g., see fig. 8b the PC/client makes a information request and the ISP/IP/Server makes an information reply).

12. Hind taught the device identification information transmission unit configured to transmit the device identification information of the reception device to the transmission device, upon receiving the device identification information request from the transmission device as follows: Hind taught (e.g., see col. 13, line 7-col. 14, line 61) a transmission system there the client and the server authenticate each other to protects against other systems communicating with either the server or client where the communications are replayed by an attacker. Therefore one of ordinary skill would have been motivated provide for the content request to have a identification information transmission unit at least so the server could determine if the requestor was not an attacker that would send unauthorized data or programs to the server.

13. As per claims 2,3, Sistanizadeh taught the device identification comprised a mac address as a key to between the client and server (e.g., see col. 10, lines 25-60). In the Sistanizadeh and Hind system would have been used in the transmission of address data either from the client to the server or from the server to the client and these would

have been the type of address (corresponding to the IP address) searched by the system (e.g., see col. 10, lines 50-col. 11, line 5 of Sistanizadeh).

14. As per claim 4, Hind taught transmission of identification data by attaching a signature (e.g., see fig. 5a and col. 15, lines 14-44)

15. As per claim 5, Hind taught determining if a mac address has been altered when a digital signature is attached (e.g., see col. 15, lines 45-62 and col. 20, lines 19-48)[the determination is made by determining if the signature is valid].

16. As to claim 6, Sistanizadeh and Hind taught authentication and key exchange as (discussed above). The use of a standardized protocol such a digital transmission contents protection would have been within the level of skill of one of ordinary skill in the art. Also because the DTCP protocol provides for digital transmission of contents then in at least one implementation of the Sistanizadeh and Hind teachings one of ordinary skill would have been motivated to use the DTCP protocol.

17. As per claim 7, Hind taught the reception (client side) having authentication and key) exchange processing and encryption processing unit (e.g., see col. 11, lines 27-39). Sistanizadeh taught network interface (router/firewall) (e.g, see fig.14c of Sistanizadeh).

18. As per claims 9-15, Sistanizadeh and Hind taught a network system providing requesting content by a client and the server authenticating the client using key and mac address etc. Hind taught that the authentication is initiated by either the client or server to prevent attacker to participate in the transmission as detailed above. Therefore it would have been obvious to one of ordinary skill that the in order to perform each of

the operations by either the server or client portions of the system within the transmission device would have been duplicated within the client (or reception device). Claims 9-15 provide for the duplication of the portions of claims 1-7 in the client. Also since the system depends on authentication for determining if transmission is to be performed or accepted, then as per claim 12 in the system of Sistanezadeh it would have been obvious to one of ordinary skill that the client would have prohibited reception of data when the authentication was negative. Therefore claims 9-15 are rejected as detailed above. Also since in the network described above the client may have the capability of being server, as servers would exchange data, the portions of each the system would have been duplicated (e.g., see fig. 14c of Sistanizadeh).

19. As to the advance notice unit in claims 11-15 Sistanizadeh taught notice of the mac address in advance of content request (e.g., see col. 12, lines 3-20).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yang (patent No. 6,424,650) disclosed a network address filter address (e.g., see abstract and fig.2).

Onishi (patent No. 5,210,748) disclosed an address filter unit for carrying out address filter processing among plural networks (e.g., see abstract).

Saito (patent No. 5,732,071) disclosed a ATM bridge device bridging scheme (e.g., see abstract) and fig. 3).

Muronono (patent No. 5,608,871) disclosed a inter-network connection apparatus (e.g., see abstract 6).

Massarani (patent No. 6,393,484) disclosed a system for controlled access to shared-medium public internet protocol networks (e.g., see abstract).

Nelson (patent No. 6,292,838) taught technique for automatic remote media access control (MAC) layer address resolution.

Schmueling (patent No. 6,603,758) system supporting multiple single network (e.g., see abstract).

Daruwalla (patent No. 6,693,878) disclosed a technique for using node ID as virtual private network (VPN) identifiers

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Coleman whose telephone number is (571) 272-4163. The examiner can normally be reached on Monday-Thursday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Chan can be reached on (571) 272-4162. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EC



**ERIC COLEMAN**  
**PRIMARY EXAMINER**